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DEC 13 2004

Atty Docket No. 020144-001961US

PTO FAX NO.: 703-872-9306

ATTENTION: Examining Attorney

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
THE EXAMINING ATTORNEY**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of Peter Wagner, filed December 2, 2004 for ARRAY DEVICES AND METHODS OF USE THEREOF are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. TRANSMITTAL FORM
2. FEE TRANSMITTAL
3. NOTIFICATION OF ERROR IN SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY OWED UNDER 37 CFR § 1.28 (c)
4. CORRECTED ADS

Number of pages being transmitted, including this page: 9

Dated:


Julie Freiburger

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 858-350-6100
Fax:

60376757 v1

DEC 13 2004

PTO/SB/21 (08-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

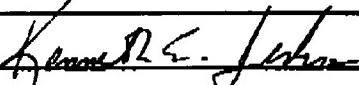
Total Number of Pages In This Submission **9**

Application Number	
Filing Date	December 2, 2004
First Named Inventor	Wagner, Peter
Art Unit	
Examiner Name	
Attorney Docket Number	020144-001961US

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> - NOTIFICATION OF ERROR IN SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY OWED UNDER 37 CFR § 1.28 (c)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> -CORRECTED ADS
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Kenneth E. Jenkins, Ph.D.		
Date	December 13, 2004	Reg. No.	51,846

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on December 13, 2004.

Signature	
Typed or printed name	Julie Freiburger
Date	December 13, 2004

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 605

Complete if Known

Application Number	
Filing Date	December 2, 2004
First Named Inventor	Wagner, Peter
Examiner Name	
Art Unit	
Attorney Docket No.	020144-001961US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	--	X	
Multiple Dependent	X		

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	65
1252	430	2252	215
1253	980	2253	490
1254	1,530	2254	785
1255	2,080	2255	1,040
1401	340	2401	170
1402	340	2402	170
1403	300	2403	150
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	685
1501	1,370	2501	685
1502	490	2502	245
1503	680	2503	330
1460	130	1460	130
1807	50	1807	50
1808	180	1808	180
8021	40	8021	40
1809	790	2809	385
1810	790	2810	385
1801	790	2801	385
1802	900	1802	900

Other fee (specify). Deficient Filing Fee Payment (Non-Small Entity)

605

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$605)

SUBMITTED BY

Name (Print/Type)	Kenneth E. Jenkins, Ph.D.	Registration No. (Attorney/Agent)	51,846	Telephone	858-350-6100	
Signature					Date	December 13, 2004

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 605

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) or any underpayment of fee(s)
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity			
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	
1001 790	2001 395	Utility filing fee		
1002 350	2002 175	Design filing fee		
1003 550	2003 275	Plant filing fee		
1004 790	2004 395	Reissue filing fee		
1005 160	2005 80	Provisional filing fee		

SUBTOTAL (1) (\$ 605

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =	X =	
Independent Claims			
	** =	X =	
Multiple Dependent		X	
Large Entity	Small Entity		
Fee Code (\$)	Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 605

** or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	
Filing Date	December 2, 2004
First Named Inventor	Wagner, Peter
Examiner Name	
Art Unit	
Attorney Docket No.	020144-001961US

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	680	2253	490	Extension for reply within third month	
1254	1,530	2254	785	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	680	2503	330	Plant issue fee	
1460	130	1480	130	Petitions to the Commissioner	
1607	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	780	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Deficient Filing Fee Payment (Non-Small Entity) \$ 605

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 605

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Kenneth E. Jenkins, Ph.D.	Registration No. (Attorney/Agent)	51,848	Telephone	858-350-6100
Signature			Date	December 13, 2004	

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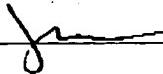
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For Fee Processing

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Fax No. 1-703-872-9306 on 12/13/04.

TOWNSEND and TOWNSEND and CREW LLP

By: 

DEC 13 2004

PATENT
Docket No.: 020144-001961US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WAGNER, Peter

Filed: December 2, 2004

For: ARRAY DEVICES AND
METHODS OF USE THEREOF

**NOTIFICATION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR §
1.28 (c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on December 13, 2004 originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

In the Application of Peter Wagner
 Filing Date: December 2, 2004
 Page 2

PATENTITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
12/	Basic filing fee	\$395.00	\$1000.00	\$605.00

TOTAL DEFICIENCY OWED: \$605.00

Applicants hereby authorize the Commissioner to deduct the total fees of \$605.00 from the undersigned's Deposit Account No. 20-1430. Please see attached fee transmittal.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6157.

Respectfully submitted,

Kenneth E. Jenkins, Ph.D.
 Reg. No. 51,846

TOWNSEND and TOWNSEND and CREW LLP
 Two Embarcadero Center, Eighth Floor
 San Francisco, California 94111-3834
 Tel: (415) 576-0200
 Fax: (415) 576-0300
 KEJ:jcf

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